

M E M O R A N D U M
CITY OF CHINO
HUMAN RESOURCES DEPARTMENT

COUNCIL MEETING DATE: JUNE 18, 2019

TO: MATTHEW C. BALLANTYNE, CITY MANAGER

**FROM: ANTHONY ARROYO, DIRECTOR OF HUMAN RESOURCES/RISK
MANAGEMENT**

SUBJECT: DENY CLAIM AGAINST THE CITY - RENE PEREZ GONZALEZ.

RECOMMENDATION

Reject liability claim filed by Rene Perez Gonzalez on May 24, 2019.

FISCAL IMPACT

No fiscal impact associated with the recommended action.

Revenue:

Expenditure:

Transfer In:

Transfer Out:

BACKGROUND

On May 24, 2019, the City of Chino received a claim for damages from Rene Perez Gonzalez alleging tire and rim damage to their vehicle due to a missing sewer lid. The claim further alleges, Riverside Drive was flooded which caused the sewer to overflow and lose its cover. The incident occurred on May 22, 2019, as claimant was driving North on Ninth Street and was crossing Riverside Drive. The demand is for \$94.75.

ISSUES/ANALYSIS

An investigation into the claim showed no evidence that flow had reached the top of the lid. City staff found the damages claimed to be unlikely. In addition, there were no calls for service received for the sewer lids. Therefore, the City is not liable for the damages.

Staff recommends that this claim be rejected and proper notification be sent to claimant. Chino Municipal Code Section 3.70.070 provides that the City Council shall act on a claim in the manner provided in Government Code Section 912.4 and 912.6 within forty-five days after the claim has been presented. If the City Council fails to act on any claim filed under this chapter, the claim will be deemed denied on the forty-fifth day after the claim was presented.

Attachment: Gonzalez Claim